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Pensions And Other Matters

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney General has prepared the following title and summary of the chief purpose and points of the said proposed measure, which is proposed for adoption as an amendment to the constitution of the State of California, as follows:

PENSIONS AND OTHER MATTERS. INITIATIVE CONSTITUTIONAL AMENDMENT. Grants thirty dollar pension bond every Thursday to citizens over age fifty or unable to work. Grants students three to twenty dollar weekly school allowance. Pension bonds redeemed by sale of redemption stamps. Creates commission to administer benefits. Appropriates one hundred million dollars to commission. Repeals all State and local taxes, licenses and fees; prohibits any new except three percent gross income tax payable monthly. Regulates political party nominations. Reapportions State Senate. Regulates legislative committee appointments. Regulates use of school buildings as public meeting places. Prohibits legislative or judicial interference with this amendment.

STATE OF CALIFORNIA,
County (or City and County) of..... } SS.

To the Secretary of State of the State of California:

We, the undersigned, registered qualified electors of the State of California, residents of.....
County (or City and County) hereby present to the Secretary of State this petition and hereby propose that the constitution of the State of California be amended by adding a new Article to be numbered Article XXXII thereof, to read as hereinafter set forth in full, and petition that the same be submitted to the electors of the State of California for their adoption or rejection at the next succeeding general election or as provided by law. The proposed constitutional amendment reads as follows:

The California
Full Employment and Pension System

ARTICLE XXXII

SECTION I.

(1) Each citizen 18 years of age or over who stands ready and willing to work is entitled to a livable income; and if the public demands for goods and services are not sufficient to cause employers to employ all such citizens who offer themselves for employment; then

Every citizen who remains involuntarily unemployed or who is, as viewed in the light of employment statistics, regarded by employers as too old to be enrolled on their work payrolls is entitled to a livable pension income equal to that amount of goods and services which is regarded as substantial and comfortable rather than a minimum standard of living; and

Every citizen who is physically unable to work is entitled to a livable pension income for the duration of such disability; and

Every child is entitled to a school allowance through grade and high school and, if he or she elects, through university.

The physical resources, the physical productivity and the man power of the State of California are recognized as at hand and actually and potentially in sufficient supply to provide adequately and abundantly for the material needs and comforts of every citizen without taxation and without limiting or reducing the supplies or the income to which more successful citizens are by their particular ability, enterprise and initiative entitled.

This article shall be known and may be cited as "The California Full Employment and Pension System".

SECTION II.

(1) The "California Full Employment and Pension Commission" is hereby created and shall consist of three commissioners who shall be elected by the qualified electors of the state at the next gubernatorial election to be held after the adoption of this article and at each gubernatorial election thereafter; whose terms of office shall be four years; whose duty shall be to issue, pay out, redeem, and facilitate the general use of certain hereinafter prescribed bonds which shall be known as California Full Employment and Pension Bonds and to administer all of the provisions of this article unless otherwise provided by this article and who shall have power to carry out said provisions. The governor shall be ex officio a member of

the commission and shall designate one of the three members as chairman and executive officer of the commission.

(2) Beginning on a Thursday not more than 120 days after the adoption of this article and notwithstanding any other provisions of the constitution or laws of the state, the commission shall issue and shall on Thursday of each week thereafter issue certain sums of one year "California Full Employment and Pension Bonds" that shall be in the denomination of one dollar each; that shall be non-taxable; that shall be redeemed by the commission 54 weeks after their date of issue in United States money; that shall be negotiable and transferable without endorsement; and the commission shall issue certain bond redemption stamps in the proportion of 52 stamps for each said one dollar bond and shall sell said stamps for two cents each and shall use all the proceeds resulting from the sale of said redemption stamps to redeem said bonds and for payment of operating expenses incurred by the commission and for no other purposes.

Said bonds shall be printed on counterfeit-proof rag content paper which shall not exceed 8¾ inches in length and 3¾ inches in width and 52 spaces shall be printed on the backs thereof to indicate serially the proper places for affixing said stamps to the end that on the second Thursday after said bonds are issued the first stamp shall be due to be affixed and thereafter one stamp shall be due to be affixed each Thursday until a total of 52 stamps shall be due to be affixed.

The commission may arrange for redemption payments to be registered on the back of said bonds by mechanical means and may in the manner set forth for one dollar denomination bonds issue bonds and corresponding stamps in other denominations suitable to convenient usage.

The face of each bond shall be numbered serially, show date of issue and date of maturity and set forth substantially the following: "This bond will be redeemed at face value in lawful money of the United States upon presentation to the California Full Employment and Pension Commission 54 weeks and not later than 56 weeks after date, provided, when presented redemption stamps shall be affixed for all due dates set forth on the back hereof."

The total sums of bonds issued by the commission shall be for payments to certain recipients as hereinafter set forth and for payments of administration expenses of the commission and shall be limited to the exact requirements of this article.

(3) Beginning on a Thursday not more than 120 days after the adoption of this article and notwithstanding any other provisions of the constitution or laws of the state all citizens of the state who are 50 years of age or over or whose age is greater than the pension age last fixed by the commission as hereinafter prescribed shall for the purposes of this article be termed Group A; and all citizens of the state who are over 18 years of age and who shall upon the sworn statement of any licensed physician or doctor or of any practitioner of any recognized school of healing be certified as permanently blind or otherwise mentally or physically ill or disabled and permanently disqualified for employment shall be termed Group B; and widows with children under 18 years of age shall be termed Group C; and

Each such citizen shall have the right to receive and upon application showing compliance with requirements herein prescribed shall be paid by the commission not less than \$30 in California Full Employment and Pension Bonds and thereafter the commission shall pay each such citizen not less than \$30 in said bonds on Thursday of each week so long as said citizen shall remain so qualified; and

All Group A, Group B, Group C and Group D applications for said pension payments shall show upon the sworn statement of the applicant, his or her age; that applicant is a registered qualified elector of the state or that applicant would have been able to qualify as an elector under the law as it stood at the adoption of this article; that as long as applicant continues to receive said pension payments applicant will not be employed for salary, wages or other remuneration or upon any cooperative basis in the production of goods or services for sale or for hire; that applicant will not employ any person to engage in the production of goods or services for sale or hire; that if applicant has become a qualified elector of the state after the adoption of this article applicant has resided in the state for not less than ten years immediately preceding the date of application; and any person who has been a citizen of the United States either by birth or by naturalization, who is otherwise qualified but who cannot qualify as an elector because of completed service in a penal or other institution or because of marriage to an alien is entitled to receive said pension payments; and

Any citizen who is 18 years of age or over who shall upon the sworn statement of any licensed physician or doctor or of any practitioner of any recognized school of healing be certified as temporarily ill or disabled and temporarily disqualified for employment and after said temporary disability shall have continued for 7 consecutive days, shall be termed Group D and shall have the right to receive and upon application shall be paid by the commission not less than \$30 in California Full Employment and Pension Bonds and thereafter the commission shall upon proof of the continuance of said temporary illness and disability in accordance with the rules and regulations prescribed by the commission continue to pay said citizen not less than \$30 in bonds each week for as many consecutive weeks as said illness and disability shall continue; provided except, Group D recipients who at the date of their application for benefits under this section and who shall be entitled to receive any other sick or disability benefits provided by any other California law or by any federal law which may be in effect at the date of the adoption of this article or which may be enacted thereafter shall be paid no more than that amount of California Full Employment and Pension Bonds which when added to such other benefits shall cause the total benefits to equal \$30 per week.

(4) Beginning on the first Thursday of September next succeeding the adoption of this article and notwithstanding any other provisions of the constitution or laws of the state each junior citizen of the state who is not less than 5 nor more than 18 years of age shall have the right to a school pension allowance of \$3 each week and the parent or legal guardian of each such citizen shall have the right to receive on behalf of such junior citizen and upon application showing compliance with requirements hereinafter designated shall be paid by the commission not less than \$3 in California Full Employ-

ment and Pension Bonds on Thursday of each week so long as said junior citizen shall remain so qualified; provided except, upon his or her enrollment in the 9th, 10th and 11th grade of school the pension allowance which the commission shall pay to the parent or guardian on behalf of each such junior citizen shall be \$5 each week; and

All applications for junior citizen pension allowances shall show upon the sworn statement of the parent or guardian of said junior citizen, the date and place of birth of said junior citizen; that said parent or guardian is a registered qualified elector of the state or would have been able so to qualify under the law as it stood at the adoption of this article; that as long as said parent or guardian continues to receive said pension allowance on behalf of said junior citizen, said junior citizen will be enrolled as a full time student in a public, parochial or an accredited private school and that said junior citizen will be in daily attendance at school except on school or religious holidays, and except during regular school vacation or during periods of sickness, physical disability or other leaves of absence approved by a licensed physician or doctor or by any practitioner of any recognized school of healing or the teacher or the principal of the school in which said junior citizen is enrolled; that if said parent or legal guardian has become a qualified elector of the state after the adoption of this article said parent or guardian has resided in the state for not less than ten years immediately preceding the date of said application; provided except,

Any citizen who is over 18 years of age and who wishes to complete his education and who has not completed his grade school education because of services in the armed forces of the United States or because of employment in industry essential to war effort is upon enrollment in any public or private school entitled to the right to receive said school pension allowance for a period which the principal of said school shall determine as sufficient to enable said citizen to complete his high school education; and

Each citizen of the state who shall have graduated from high school and who shall within six months thereafter enroll as a full time student in the state university or in any accredited college or university or business or trade school in the state shall have the right to receive and upon application showing compliance with requirements hereinafter designated shall be paid by the commission not less than \$20 in California Full Employment and Pension Bonds each week for a period which shall not exceed five consecutive years beginning with the date of such enrollment or which shall not extend beyond the completion of his or her course of studies, whichever period is the shortest, and

All applications for said university pension allowance payments shall show upon the sworn statement of the applicant if said applicant is 21 years of age or upon the sworn statement of the applicant's parent or guardian if the applicant is less than 21 years of age, the applicant's place and date of birth; that as long as applicant continues to receive said university pension allowance applicant will be in daily attendance at all classes except on school or religious holidays and except during regular school vacations or during periods of sickness, physical disability or other leaves of absence approved by the president or provost of the university or college in which said applicant is enrolled; that if said applicant or if the parent or guardian of said applicant has become a qualified elector of the state after the adoption of this article said applicant has resided in the state for not less than ten years immediately preceding the date of said application; provided except,

Any citizen who is otherwise qualified but whose education has been interrupted by service in the armed services of the United States or by employment in an industry essential to war effort shall be entitled to receive said university pension allowance payments.

(5) No recipient and no guardian of a recipient of California Full Employment and Pension Bond pension payments or student pension allowance payments shall use any part of said payments to

support an able bodied person in idleness except a recipient's spouse.

(6) No recipient of California Full Employment and Pension Bond payments shall ever be prohibited from owning real estate or stocks or bonds or other securities and receiving therefrom rental or other income, nor prohibited from receiving any other pension or other income.

(7) At the first date of said pension payments, Group A recipients shall be persons 50 years of age or over, and thereafter the commission shall adjust the age requirement to forty-nine years and six months and shall continue to decrease or increase said age requirements six months at a time to the end that remunerative employment and opportunity for remunerative enterprise may be reserved as far as practicable to the younger people and to the end that, of those persons between the age of 18 years and the retirement age last fixed by the commission, not more than 10 thousand persons shall be involuntarily without remunerative employment.

(8) Each Group A, Group B, and Group C recipient who shall accept employment for salary or wages or other remuneration or who shall employ other persons to engage in the production of goods or services for sale or hire shall immediately notify the California Full Employment and Pension Commission, whereupon payments to such recipients shall cease, but such payments shall be resumed immediately upon the filing of reapplication therefor showing compliance with all of the requirements of this section.

(9) Recipients who at the date of their application for pension payments provided by this article receive any old age aid or pension provided by the old age security law of the welfare and institutions code, or who receive payments for unemployment relief, disability aid or aid to the blind paid out of public funds shall in addition to such aid, pension or relief, be paid by the California Full Employment and Pension Commission such amounts of bonds as will increase the total payments to such recipients to equal the payments to other recipients as provided by this section. Nothing in this article shall be construed to repeal or abrogate the provisions of the old age security law of the welfare and institutions code as it may apply to those who have or who may elect to qualify under the provisions of said law.

(10) The commission shall compute all payments to recipients upon the basis of prevailing average prices of consumer goods and rentals, and in the event that the average price level of all consumer goods included by the United States Bureau of Labor Statistics in computing consumers price index for moderate income families in California shall show an increase of 5 per cent or any multiple thereof in any quarter over the average price level in California for the last quarter of the year 1946, then the amounts of bonds that the commission shall pay to each recipient each week shall be increased in the same proportion as the higher price level of that particular quarter bears to the average price level of consumer goods in California for the last quarter of the year 1946. Such increases to be paid shall be reflected not later than four weeks following the publication of those quarterly consumer price index reports which show the increase. In like manner the commission shall decrease or increase said payments in harmony with fluctuations of said price levels, but at no time shall payments fall below the basic \$30 payable to Groups A, B, C, D, \$20 to college students, \$5 to high school students, and \$3 to grade school students each week as hereinbefore set forth.

(11) The commission is hereby authorized to appoint any and all banks of deposit to act as its agent in the distribution, payment, conversion and redemption of California Full Employment and Pension Bonds, in the sale of redemption stamps and/or in collecting redemption charges (in lieu of stamps) against bank deposits of said bonds, and to act as agent of the commission in any operation or transaction done by or with said bonds; and any or all banks of deposit operating in the state or in other states may accept such agency appointment;

and such bank or banks shall accept deposits of said bonds and/or checks, receipts or other forms of claims for said bonds and hold same for the account of the depositor as the depositor may direct and subject to the written order of the depositor; and

Such deposits shall be demand deposits which shall be subject to checking privileges payable in bonds, and time deposits which may be loaned or used by the bank as the depositor may direct subject to the written order of the depositor and repayable in bonds; and

At the close of business each Wednesday each account of demand deposits of said bonds shall be charged at the rate of 2 cents per dollar balance in lieu of the purchase by the depositor of two cent redemption stamps, and the amounts thus charged shall be transferred and credited to the bond redemption account of the commission; and checks against bond deposits must be dated when drawn and if not presented for payment prior to the close of business on the Wednesday following said date shall upon presentation be discounted at the rate of 2 cents per dollar face value of such checks for each seven days from the date of such checks and the amount of such charges shall be returnable to the drawer of such checks; and time deposits of bonds shall not be subject to redemption charges if the depositor thereof shall authorize the bank to lend and if the bank shall lend such deposits, but the bank shall collect redemption charges thereon from the borrower thereof.

(12) A California Full Employment and Pension Bond interstate trade stabilization fund is hereby created, and said fund shall be for the purposes of the provisions of this article and for no other purposes, and shall be one hundred million dollars; and the said sum of one hundred million dollars is hereby appropriated, and the state treasurer is hereby authorized and directed to pay and transfer said one hundred million dollars out of the general fund of the state to the California Full Employment and Pension Commission upon demand of said commission and the commission shall establish rules and regulations and provide for the exchange at face value of California Full Employment and Pension Bonds for United States money or for checks or drafts payable in money which may be required by the owners of said bonds for payment of obligations or transactions originating outside or payable outside the state, or for the expense of travel outside the state or for other interstate purposes and shall also make rules and regulations for the exchange of money for such bonds as may thus be made available for internal transactions.

(13) At the date of his or her enrollment the commission shall provide each recipient with a "Self-identifying letter of credit and payment record" which shall set forth substantially the following:

"Drawn on.....,
(name of bank or office)

City..... Once each week
beginning with Thursday.....19....,
pay to the order of.....,
California Full Employment and Pension Bonds in
the sum of \$..... or the sum
authorized by this commission. The recipient
whose signature appears hereon shall receipt for
each payment on the back hereof, in the spaces
provided for that purpose. When the last payment
hereunder shall have been made, the holder hereof
shall surrender this letter of credit and be supplied
with a new letter of credit for the ensuing period.

Whenever the holder hereof shall, for any reason, cease to be a qualified recipient, as provided by law, this letter of credit shall immediately become null and void.

The correct signature of the person to whom this
letter of credit was issued is.....

.....
Address
California Full Employment and Pension Commission. (Seal)"

(14) The commission shall from time to time deposit with said agent banks sufficient sums of California Full Employment and Pension Bonds to enable said agents to pay out each Thursday the amounts that are due and payable to recipients and the agent banks shall account to the commission for all such deposits and disbursements of said bonds; and the commission shall cause to be maintained a system of agency accounting which will enable any recipient to draw his weekly allowance at any agent bank upon presentation of his letter of credit either in person or by recipient's authorized agent; and the commission shall deposit with each of its agents a sufficient number of redemption stamps to supply anticipated requirements, which stamps the agent shall sell, and the agent shall account for all stamps so furnished and shall transfer all money received from such sales to the commission.

(15) Banks serving as agents of the commission shall be entitled to receive such fees, service charges or compensation as may be mutually agreed upon by the commission and said banks. In the event that mutually satisfactory agency arrangements cannot be made with banks which will provide adequate facilities for serving all banking accommodations essential to the purposes of this article then the commission is hereby authorized, empowered and directed to install and operate adequate banking facilities at all locations in the state where agency arrangements with banks cannot be made.

(16) Each of the three members of the California Full Employment and Pension Commission shall receive an annual salary of ten thousand dollars, to be paid in weekly installments, and to be paid in California Full Employment and Pension Bonds, and shall execute to the people of the state an indemnity bond in the penal sum equal to the bond of the state treasurer, with corporate security, or two or more sureties to be approved by the governor.

The offices of the three members of the commission shall be non-partisan offices; not less than sixty-five nor more than one hundred signatures of qualified electors shall ever be required upon the nominating petition of any candidate for said offices; the filing fee of a candidate for commission member shall be the sum of one hundred dollars; the procedure for election shall be the same as for other non-partisan state offices. Members of said commission shall be subject to recall the same as are all other elective officers under the constitution. In the event of death, resignation or removal from office of any member of the commission who shall be appointed or elected, the governor shall appoint some other person to serve for the unexpired term.

Within five days after the adoption of this article the governor shall choose and appoint three persons to serve as members of the California Full Employment and Pension Commission for terms which shall begin on the date of appointment and continue until the next succeeding gubernatorial election or until their successors have been elected and qualified.

The California Full Employment and Pension Commission is authorized to appoint such officers, employees, counsel and expert aid or agents as are not otherwise provided for in this article, define their duties, fix their compensation, require bonds of them and fix the penalty thereof and to dismiss at pleasure such officers and employees, and to establish a principal office and such branch offices as the commission may determine.

(17) All bonds issued and paid to recipients under the provisions of this article and the right to receive such payments or other compensation provided herein shall not be alienated by assignment, sale, mortgage or other hypothecation and shall be exempt from attachment or execution, provided except, recipients may make written assignments to any agency bank for loans which said bank may make to said recipients.

(18) Five hundred thousand dollars for expenses and costs of placing the provisions of this section in operation is hereby appropriated and the

state treasurer is hereby directed to pay and transfer five hundred thousand dollars out of the general fund of the state to the California Full Employment and Pension Commission upon demand of said commission.

(19) On or before the 20th day of each month the exact financial condition and the operating statements of the commission as at the close of business on the last business day of the preceding month shall be published by the commission and the governor shall name a person, or state department to examine and/or audit the books and accounts of the commission without prior notice four times each year.

(20) The state printer shall engrave, lithograph or print all printing which may be required for the administration of this section; provided except, the commission at its option may purchase all or any part of said printed matter, or may purchase or rent, install and operate such equipment as may be needed to do all or any part of said printing, lithographing and engraving, and may purchase all necessary paper stock and supplies of every kind and character.

(21) Any person who shall knowingly prepare, use, circulate, or otherwise distribute, with intent to defraud, any spurious, counterfeit, raised or altered California Full Employment and Pension Bond or redemption stamp shall be guilty of forgery as defined by section 470 of the penal code, and shall be punished as for forgery of a controller's warrant for payment of money at the treasury.

SECTION III.

(1) Every home and other real estate, all personal property and every business enterprise either private or corporate shall be exempt from the payment of any tax assessed, and from any license or fee fixed by law enacted prior to 120 days after the adoption of this article, and thereafter and notwithstanding any other provisions of the constitution or the laws of the state, there shall be levied and collected from each person, firm, association, copartnership or corporation residing or doing business in the state, a uniform income tax, which shall be 3 per cent or less of the gross sums of money or values received by them in the course of business, trade, the practice of any profession, service or employment, and said tax shall be the only tax, license or fee that shall be levied or collected by the state or by any political subdivision of the state, or by any county, district, or city, or by any political subdivision of any county, district or city of the state unless otherwise provided by this article.

(2) This tax shall be administered by the state board of equalization and said board is hereby empowered to make rules and regulations for assessments, payments and collections. The board of equalization shall receive all budgets prepared by the state of California and by each political subdivision of the state and by each county, district and city and by each political subdivision of each county, district and city of the state and on the basis of such budgets shall on the 1st day of July of each year fix the tax rate at 3 per cent or less for each political subdivision of the state in proportion to the budgetary requirements of such political subdivision, and such rates so fixed shall apply uniformly in such political subdivision and shall include a percentage which shall apply uniformly throughout the state for all state purposes, and all such taxes shall be due on the last day of every month and payable on or before the 15th day of the next succeeding month, and there shall be no exceptions or exemptions as to class of person, nature of service performed, character or source of wealth, goods or property transferred or income received; provided except the payment of said tax shall not be assessed or collected on receipts or income derived directly or indirectly and identified as California Full Employment and Pension Bonds or on receipts of money which the taxpayer shall have exchanged for California Full Employment and Pension Bonds within five days after the last day of the month in which such money is received,

and provided except, said tax shall not be assessed or collected on voluntary contributions, receipts of dues, or other gift income of any church, labor union, chamber of commerce, trade association, political, educational or public welfare association; or on any religious, benevolent, fraternal or charitable association, school, clinic, hospital, sanitarium or other institution supported by free will offerings, dues-paying members or voluntary contributions; or on any money received by any person from benevolence or charities or for relief or pensions appropriated from public funds.

(3) In the interim, which shall begin 120 days after the adoption of this article and continue until the next succeeding June 30, the gross income tax rate shall be three per cent and the total sum of money collected up to said June 30 shall be disbursed to the state and to each political subdivision of the state in apportionments determined by the percentum of funds collected under the various tax, license and ordinance laws in force during the fiscal period immediately preceding the adoption of this article, based upon the grand total of all tax monies collected by the cities, counties, subdivisions and state for said period.

(4) Taxable income is money or value received from any source; provided except, no loan, deposit, withdrawal, hypothecation or pledge of property or money is taxable, unless and until title shall pass without condition. Purchase price obligations are taxable income. Interest, rent, commissions, fees, charges and pecuniary benefits of any kind, direct or indirect received by any person or by any form of business organization or derived from any loans, deposits, withdrawals, hypothecation or pledge of property or money are taxable. Receipts of California Full Employment and Pension Bonds are not taxable income.

(5) The county tax collector in each of the several counties shall collect all taxes which shall be due and payable on gross incomes received within such county, and the county tax collector shall transfer all tax money collected to the state treasurer and shall report said collections and transfers to the board of equalization in accordance with such regulations as may be set up by said board, and the state controller shall forward the amount of taxes collected for and on behalf of each political subdivision to the proper treasurer of such political subdivision.

(6) Out of the tax money collected, plus any and all other state revenues, there shall first be set apart the monies to be applied by the state for the support of the public school system and the state university. Nothing herein contained shall be construed to release the state from the payments of any sums of money for the support and maintenance of the public school system now or as may be hereafter provided by law.

(7) The governor shall, every two years, immediately following the adoption of this article, prepare a budget containing a complete plan and itemized statement of all proposed expenditures of the state, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies for the next two fiscal years; and said budget shall be fully completed on or before the 30th day of January during each year that the state legislature is in session.

From the 30th day of January to and including the 15th day of March, the governor shall hold open daily sessions to the end that any citizen may examine the entire budget or any item or items and may file with the governor any objections on any item or items therein contained. The governor, on or before the 1st day of May following, shall submit his proposed budget, together with all objections that may have been filed, and his recommendations, to the state legislature.

The legislature shall pass on all objections on or before the 15th day of May of said year, and shall return to the governor not later than the 16th day of May of said year, all records and matters pertaining to said budget, and the governor shall cause a full and complete budget to be filed with the board of equalization not later than the 1st day of June of said year.

(8) The board of supervisors of each county, and of each city and county, and the chief executives and/or legislative body of each city and town, and the board of trustees or board of education of each school district within the state, and the chief executive and/or legislative or governing body of all districts and/or other political subdivisions of the state that have the power to levy and collect, or cause to be levied and collected, taxes for the use and purpose of maintaining any such district or political subdivision, shall prepare or cause to be prepared on or before the first Monday in March of each and every year, after the adoption of this article, a budget containing a complete plan and itemized statement of all proposed expenditures of such political subdivision and all of its institutions, departments, boards, bureaus, commissions, and other agencies for the next fiscal year, together with the actual and estimated revenues and expenditures for such fiscal year.

Between the first Monday in March and the second Monday of April of each year, the officers of each political subdivision, whose duty it is to prepare or cause to be prepared said budget, shall hold open daily sessions so that any resident of said political subdivision or district may inspect said budget, and file objections to any part or portion thereof; and said officers shall hear and pass upon any and all objections that may be filed.

Thereafter, said officers, whose duty it is to prepare said budget, shall prepare or cause to be prepared a complete budget in conformity with all changes that may be made by reason of the objections filed, and shall, on or before the second Monday in May of each and every year after the adoption of this article file said completed budget with an explanatory message with the state board of equalization.

(9) No tax budget for the state or for any political subdivision of the state shall be for a sum greater than the corresponding budget for the year 1946, and the tax rate shall not be greater than three per cent, provided except, by a majority vote of the electorate of the state at any state election at which an increase is voted upon, the budget for the state may be increased; and, provided except, by a majority vote of the electorate of any political subdivision at any election at which an increase is voted upon, the budget for that subdivision may be increased.

(10) Each taxpayer shall file tax returns and make payment in full between the first and the fifteenth day of each month and willful violation of the requirement to make tax returns and payments shall be a misdemeanor punishable by a fine equal to twice the amount of taxes due. Willful filing of a false return with intent to defraud shall be a felony. No person shall be imprisoned for non-payment of taxes in the absence of fraud.

SECTION IV.

(1) Any proposed amendment or amendments to this article prepared by the California Full Employment and Pension Commission or by the State Board of Equalization shall be submitted by the Secretary of State to the people at the first general election occurring subsequent to 130 days after an official announcement by said commission or by said board of the necessity for such amendments. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments or any of them by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this article of the constitution.

(2) A volunteer worker in a political campaign may receive reimbursement or compensation for expenses incurred by him in rendering said services, and such reimbursement or compensation shall not be deemed salary or wages or remuneration, nor shall said services constitute employment or establish the relationship of employer or employee.

SECTION V.

(1) For the purpose of facilitating the operation of the foregoing provisions of this amendment; and for the purpose of enabling the electors of the state better to safeguard and protect the operation of this amendment after its adoption, it is provided as follows:

(2) Cross-filing prohibited. The legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election; provided, however, the same person shall not participate as a candidate in a primary election except as a candidate on the ballot of the political party with which he is registered, and if not registered with any party, then on the non-partisan ballot. It shall also be lawful for the legislature to prescribe that any such primary election shall be mandatory and obligatory. The legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision; provided, however, that until the legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. Section 2½ of Article II of the state constitution is hereby repealed.

SECTION VI.

(1) Reapportionment of state senate. The Senate shall consist of the number of senators provided for in Section VII of this article. The assembly shall consist of eighty members to be elected by districts. The term of all senators shall terminate as of the first Monday following the first day of January, 1949, and all seats shall be filled by senators chosen at the general election of 1948 and every four years thereafter, pursuant to this section and section VII of this article. Section 5 of Article IV of the state constitution is hereby repealed.

SECTION VII.

(1) For the purpose of choosing members of the legislature, the state shall be divided into senatorial and assembly districts. Such districts shall be composed of contiguous territory, and assembly districts shall be as nearly equal in population as may be. Each assembly district shall choose one member of the assembly. The assembly districts shall be numbered from one to eighty, in numerical order commencing at the northern boundary of the state and ending at the southern boundary thereof. In the formation of assembly districts no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or city and county, be united with any other county, or city and county, in forming any assembly district. In the formation of senatorial districts, the state shall be divided, in respect to the number and boundaries, as the state is divided into congressional districts. The senatorial districts shall be numbered so that each shall possess the same number as the congressional district to which it corresponds. Any change in the number or boundaries of the congressional districts shall change the number and boundaries of the senatorial districts in like manner. Each senatorial district, except those senatorial districts which lie wholly within any county which county wholly contains twenty-five per cent or more of the total number of senatorial districts of the entire state, shall choose two senators. In any county which contains said twenty-five per cent or more of the

total number of senatorial districts of the entire state, state senators shall be chosen as follows: Such county shall elect senators at large in such county, and the number of senators which each such county shall elect shall be limited to twenty-five per cent of the result obtained by multiplying by two the total number of congressional districts in the entire state, or to eleven state senators, whichever is the greater number. The senatorial offices in each county affected by the foregoing limitation, and the senatorial offices in each senatorial district outside of a county so limited, shall be numbered consecutively in a separate series for each such limited county and for each senatorial district outside of or not wholly contained in a county so limited, and each series of numbers shall commence with the number one. A candidate for election to the office of state senator must designate the number of the office to which election is sought; also he must designate the number of the senatorial district except in any county or counties affected by the foregoing limitation of senatorial representation, and in such instance he shall designate the county and the number of the office. Senators elected from a senatorial district, a portion of which is a part of a county so limited in its senatorial representation and the remaining portion of which district lies in another county, not so limited, shall not be counted as a representative of said county so limited.

(2) The census taken under the direction of Congress of the United States in the year 1940, and every ten years thereafter, shall be the basis of fixing and adjusting the assembly districts; and the legislature shall, at its first regular session following any decennial Federal census, adjust such districts and reapportion the representation so as to preserve the assembly districts as nearly equal in population as may be. If the legislature at the first regular session following the adoption of this section or at any regular session following any decennial Federal census fail to reapportion assembly and senatorial districts, a Reapportionment Commission, which is hereby created, consisting of the Lieutenant Governor, who shall be chairman, and the Attorney General, State Controller, Secretary of State, and State Superintendent of Public Instruction, shall forthwith apportion such district in accordance with the provisions of this section and Section VI of this Article, and such apportionment of said districts shall be immediately effective the same as if the act of said Reapportionment Commission were an act of the legislature, subject, however, to the same provisions of referendum as apply to the acts of the legislature.

Each subsequent reapportionment shall carry out these provisions and shall be based upon the last preceding Federal census. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided shall be made, senators and assemblymen shall be elected by the districts according to the apportionment now provided by law.

Section 6 of Article IV of the state constitution is hereby repealed.

SECTION VIII.

(1) Committees of legislature to be chosen by party caucus. The membership of all committees of the legislature shall represent the political parties in the same proportion, as nearly as may be, as each party is represented in the house which created the committee or to that portion of the committee to which said house was entitled to appoint members. Each party, by party caucus, shall appoint to each committee the number of members to which its proportionate representation entitles it.

SECTION IX.

(1) Civic Centers. For the reasons set forth in Section V paragraph (1) hereof, and for the purpose of protecting and making effective the constitutional guarantees of freedom of speech and

freedom of the people freely to assemble together to consult for the common good, to instruct their representatives, and to petition the government for the redress of grievances; and for the purpose of providing meeting places where the people may be certain not only of the right of freedom of speech and freedom of assemblage in the abstract but also may be certain of their ability to put these rights into effect as a matter of practical reality by holding public meetings free from molestation by those who are enemies of free speech and free assemblage; and in order to make effective these constitutional guarantees which are not in themselves self-executing but which must be implemented by supplementary laws in order to make them work effectively, it is hereby provided as follows:

(2) Civic centers created: Citizens, etc., authorized to engage in recreational activities and to meet for discussions: Authorization of use of other properties. There is a civic center at each and every public school building and grounds within the state where the citizens, parent-teachers' association, Campfire Girls, Boy Scout troops, farmers' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the school districts may authorize the use, by such citizens and organizations of any other properties under their control, for supervised recreational activities.

(3) Any use, by any individual, society, group, or organization which has as its object, or as one of its objects, or is affiliated with any group, society, or organization which has as its object or one of its objects the overthrow or the advocacy of the overthrow of the present form of government of the United States or of the state by force, violence, or other unlawful means shall not be granted, permitted, or suffered.

Any person who is affiliated with any organization, which advocates or has for its object or one of its objects the overthrow of the present government of the United States or any state, territory or possession thereof, by force or violence or other unlawful means, or any organization of persons which advocates or has for its object or one of its objects the overthrow of the present government of the United States or any state, territory, or possession thereof, by force or violence or other unlawful means, is hereby declared to be and is characterized, a subversive element.

Notwithstanding any of the other provisions of this section, no governing board of any school district shall grant the use of any school property to any person or organization who or which is a subversive element as herein defined. However, for the purpose of determination by such governing board whether or not a person or organization applying for the use of school property under this section is a subversive element as herein defined, the governing board may require the making and delivery to such governing board by the applicant of not less than three or more than five affidavits, stating facts showing whether or not the applicant is a subversive element as herein defined. Where the applicant is an organization, at least two of the said affidavits must be made by officers of the organization one of whom is the president or other chief officer thereof, and the other affidavits may be made by members thereof; where the applicant is an individual, one of the affidavits must be made by the applicant, and the other affidavits may be made by electors who state in their affidavits that they are electors, that they have known the applicant for not less than two years and that they are interested in seeing that the proposed meeting is held.

No governing board may deny a permit to an applicant under the provisions of this section on the ground that any individual, society, group or organization is a subversive element unless the

governing board shall first have required the affidavits specified herein. Where such affidavits are required, and where such affidavits are furnished, and where such affidavits state in effect that the applicant is not a subversive element as herein defined, then no governing board may deny an application for a permit under the provisions of this section on the ground that the applicant is a subversive element. In other words, the requiring of the affidavits is as far as the governing board may press the inquiry as to whether the applicant is a subversive element. Under no circumstances shall the governing board hold any hearing or other proceeding for the purpose of determining whether the applicant is a subversive element; so far as the governing board is concerned, the affidavits shall be conclusive.

If an affidavit falsely states that the applicant is not a subversive element, then reference is hereby made to the provision of law relating to perjury and the punishment therefor shall be applicable to any person making and delivering an affidavit provided for under the provisions of this paragraph.

(4) Use subject to rules and regulations: Interference with use for school purpose. The use of any public schoolhouse and grounds for any meeting is subject to such reasonable rules and regulations as the governing board of the district prescribes and shall in nowise interfere with the use and occupancy of the public schoolhouse and grounds, as is required for the purposes of the public schools of the state. However, the reasonable rules and regulations which the governing board of the district may prescribe shall not include any rule or regulation which directly or indirectly imposes any other or additional qualification or condition precedent which an applicant must comply with to entitle the applicant to use or to be eligible to use school property under the provisions of this section. The reasonable rules and regulations which governing boards may adopt must refer solely to the physical occupation of the school property and to the method of treatment or care thereof. For example, the governing board may make reasonable rules and regulations to the effect that users shall not smoke or use tobacco in school buildings, or expectorate on the floor, or consume foods or beverages on school property, or remove, disarrange or rearrange school furniture, and may make other similar rules and regulations, provided they are reasonable. But under no circumstances may a governing board prescribe rules or regulations purporting to enlarge or diminish the herein listed classes of users who are eligible to use school property under this section, nor prescribe the names or number of the speakers who may address the meeting, nor exercise any power of censorship over what is said or done at the meeting, nor require a user under this section to furnish a copy of any talk or program to be presented, either before, during or after the meeting, nor may any applicant or user be required to furnish public liability insurance or any other kind of bond or policy of insurance of any kind or description.

(5) So far as the operation of this section is concerned, it is the intent and purpose of this section to bestow an absolute right of user upon the applicants eligible to use school property under the terms of this section; and it is the intent and purpose of this section that the power of the governing boards hereunder shall be regulatory or administrative as strictly limited by the provisions of this section, and that governing boards shall exercise only such discretionary powers as are herein expressly conferred. Governing boards shall administer this section in such manner that every intentment shall be in favor of the applicant and in aid of and in encouragement of the proposed meeting; governing boards shall assist the public to make use of our public school buildings and grounds for public meetings.

(6) Applicants may make application to use school property under the terms of this section as far in advance as three months from the date of application. The governing boards must upon request furnish an applicant or intending applicant with a list of the school properties available for use by the public under this section, and shall keep

in its office a complete list or chart, open to the inspection of the public, which will show an intending applicant exactly which school properties are available for use by the public under this section, also which school properties have been made available to users under this section for use at a future time, together with the name of the user and date of the application therefor; this list or chart shall show an intending applicant which school properties are available for his selection for the purpose of holding a meeting under the terms of this section, for a period of not less than three months in advance. Applications under this section are not required to be in any particular form, or on any particular form, but shall be sufficient if the application shows that it is made under this section, that the application is dated and signed, and shows clearly what school property is desired and for what hours of some particular date, and that the applicant is eligible to be an applicant under the provisions of this section. Any member of a governing board who willfully, knowingly and fraudulently permits a school property to be withheld from the use of an applicant or intending applicant by representing that the school property desired is required for school purposes when such is not the truth, shall be punishable for withholding as hereinafter provided. Frivolous or unnecessary use of school property permitted by a governing board to prevent its use by the public under this section shall constitute withholding as defined in this paragraph by any board member voting therefor. All applications for permits under this section, and copies of all permits granted by the governing board under this section shall be kept on file and open to public inspection for a period of three years, after which time they may be destroyed.

(7) All applications for permission to use school property under this section shall be deemed granted automatically unless within three days following the application the governing board shall notify the applicant that the property requested is required for the purposes of the public schools or has theretofore been reserved for the use of some other person or organization under the provisions of this section, naming such prior applicant, or unless the governing board shall notify the applicant that it requires the affidavits mentioned in paragraph (3) hereof. When such affidavits are required by the governing board, or when such affidavits are furnished by the applicant at the time of making the application, the governing board must vote upon a resolution to deny the application within five days after the receipt of the affidavits, otherwise the application shall be deemed granted automatically.

(8) No governing board may deny an application for use under this section except by a majority vote of the board, publicly taken. Any resolution denying an application must state all of the reasons relied upon by the governing board for its refusal, and no ground of refusal not stated in the resolution may subsequently be relied upon by the governing board in any court proceeding instituted by the applicant, or by the people of the state of California, or by any other person. The vote of the members of the governing board upon any application must be recorded by the secretary of the governing board, and the record must show the names of the board members voting for and against. Any applicant requesting a copy of the resolution of denial and a record of the names of the board members voting for and against, shall be furnished said copy upon two days notice.

(9) No governing board may deny an application to use school property under this section on the ground that picketing has been or may be threatened or accomplished, or upon the ground that the governing board expects, fears, anticipates or believes that disturbances, disorders, riots, trouble, damage to school property, interference with school activities because thereof, or injuries to persons, will occur. Users of school property under this section shall be liable for damage to school property caused by the applicant, but not for damage unlawfully done or caused by others.

(10) Any member of any governing board who shall vote to deny unlawfully a permit for use of school property to an applicant who is entitled thereto under this section may be removed from office at the suit brought for that purpose by any elector in the Superior Court of the state of California in the county where the application was made, within one year from the date of said vote for unlawful denial. In addition, such governing board member shall be liable for the payment of damages to the aggrieved applicant in the sum of one thousand dollars and for such additional sum of damages as the applicant may have incurred, plus reasonable attorney's fees in collecting same or in removing said governing board member from office. All of the above penalties shall apply to any governing board member who shall unlawfully withhold school property from the use of an applicant or intending applicant under the circumstances described in paragraph (6) hereof.

(11) Disturbing School. Willful disturbance of school or meeting. Misdemeanor. Punishment. Any person who willfully disturbs any public school or any public school meeting or any meeting held under the provisions of this section, or who pickets unlawfully in violation of paragraph (12) hereof, is guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or both.

(12) At any meeting held pursuant to the provisions of this section where the meeting is picketed, the number of pickets which will be permitted at any entrance or exit to the building or other place where such meeting is held, shall be limited to four pickets. The basis of recognition of the propriety of use of a picket line is the constitutional right to speak freely and give expression to ideas or existence of facts. The right to picket may be exercised freely within reasonable limits consistent with the rights of others having equal status, such as to own or to use property. Picketing is limited to effectual communication of ideas and notice to those of the vicinity, who may see, hear and read, that a dispute exists with another. A picket line and its constituent elements are the instruments of such communication and advisement. Those elements cannot with legal propriety be used to prevent others from going or coming, as they rightfully choose, into or from the picketed premises, except by peaceable persuasion of the mind or will. Pickets cannot lawfully be used to interpose a physical barrier to free passage to and from the picketed premises. The picket line, however peaceful, cannot by its numbers lawfully be converted into a picket fence. In limiting the number of pickets as provided in this paragraph, the purpose is to preserve, not to destroy vested rights, to prevent breaches of the peace and unlawful assemblage in which are smoldering the flames of a riot. Pickets at any meeting held pursuant to this section shall not interfere in any way with free and easy ingress and egress to the school property or to the place or entrance or exit where the meeting is to be held; nor shall pickets threaten or intimidate persons seeking to attend the meeting, nor shall pickets use loud, profane, obscene, indecent or insulting language directed to or within hearing of persons attending or seeking to attend the meeting. At any meeting held pursuant to this section, it shall be unlawful for pickets to use a sound truck, loud speaker, megaphone or any other device for amplifying the human voice or music or other sounds. Violators of the provisions of this paragraph shall be guilty of a misdemeanor and shall be punishable with the penalties provided in paragraph (11) hereof.

(13) A permit granted under this section by a governing board may not be revoked. Any user under the provisions of this section may temporarily install his own or a rented public address system, or may use the public address system, piano, organ, phonograph or other school properties used by the school in the auditorium or other school property in which the meeting is held. No governing board shall permit any public address system, organ, piano or phonograph, which is not

the property of the school to be permanently installed or maintained in any school property except upon the condition that it may be freely used by any user of school property under the provisions of this section.

(14) Custodian of grounds: Appointment and power. The governing board of any school district may appoint a person who shall have charge of the grounds, preserve order, protect the school property, plan, promote, and supervise recreational activities, and do all things necessary in the capacity of a representative of the board. He shall have the power of a peace officer to carry out the provisions and the intents and purposes of this section.

(15) Use to be granted free. The use of schoolhouses, property, and grounds pursuant to this section shall be granted free.

(16) Charge for use where admission fees are charged or contributions solicited. (When charge to be made). In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the pupils of the district or for charitable purposes, a charge shall be made for the use of the schoolhouses, property and grounds. (Authority to use without charge). The governing board may, however, permit such use, without charge, by organizations, clubs, or associations organized for general character building or welfare purposes when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its character building or welfare work, are accepted. (When charge cannot be made). Notwithstanding any of the foregoing provisions of this paragraph, it is expressly provided that in the case of entertainments or meetings where no admission fees are charged, and where such entertainments or meetings are entirely free and open to the public but where membership dues or voluntary contributions are solicited, no charge shall be made by the governing board for the use of said schoolhouses, property and grounds by any of those groups or organizations mentioned in paragraph (2) of this section where such group or organization is organized upon a non-profit basis, and where such dues or voluntary contributions are to be expended for the purposes of the group or organization. At any meeting held pursuant to the provisions of this section, where no admission fees are charged and where the entertainment or meeting is entirely free and open to the public, the applicant or user shall have the right, in order to prevent the meeting being rushed or packed by a hostile crowd, to reserve or rope off ninety per cent of the seating capacity for the exclusive use of the members and friends of the applicant or user.

(17) Expenses for lighting, etc. Lighting, heating, janitor service, and the services of the person when needed, and other necessary expenses, in connection with the use of public school buildings and grounds pursuant to the section, shall be provided for out of the county or special school funds of the respective school districts in the same manner and by the same authority as similar services are provided for.

(18) Sections 19431 to 19439 inclusive and section 19501, of the Education Code are hereby repealed; also all provisions of the constitution or law in conflict with this section are hereby repealed.

SECTION X.

(1) No injunction or writ of mandate, or other legal or equitable process shall ever issue or be maintained to interfere with the effectiveness or operation of this article, or to prevent or enjoin any provision of this article from going into effect, or to prevent or seek to prevent the California Full Employment and Pension Commission or the State Board of Equalization from submitting to the electorate proposed amendments to this article in the manner herein set forth.

(2) This article is self-executing, and the legislature is hereby expressly prohibited from enacting any legislation which in even the slightest degree

limits or restricts either the provisions of this article or the powers herein reserved; nor shall the legislature enact any legislation purporting to facilitate the operation of this article.

(3) In order to protect this article from frustration by the courts, it is hereby expressly provided that in the event that in any action or proceeding in law or equity before any court of competent jurisdiction in the state of California there occurs or is rendered any decision or order which adversely or at all either affects this article or the administration thereof or affects the submission, in accordance with Section IV paragraph (1) hereof, of any proposed amendment or amendments to this article, such decision or order shall have no effect until it shall have been submitted to the people for their approval or rejection at the next general election which occurs subsequent to 130 days after such decision or order shall become final. Any proposed amendment or amendments to this article or any court decision or order affecting this article or the administration thereof shall be placed upon the ballot by the Secretary of State as a proposition to the voters in the form of a question as to whether said proposed amendment shall be adopted or rejected, or as to whether such a court decision or order shall be approved or be rejected. Any such propositions shall be numbered by the Secretary of State in like manner as any proposed initiative constitutional amendment, and the Attorney General shall prepare a ballot title therefor of not more than 100 words in the manner provided for initiative measures. Arguments of not more than 500 words in favor of and against the proposition shall appear in the manner provided for initiative measures. The State Board of Equalization or the California Full Employment and Pension Commission, whichever is the more directly interested or affected, shall have the right to prepare the argument in favor of amendments proposed in accordance with Section IV paragraph (1) hereof, and against any court decision or order; the lieutenant governor shall designate one or not more than three persons to prepare the argument against proposed amendments and in favor of any court decision or order. If any court decision or order when thus submitted to a vote of the electorate shall be approved by a majority vote thereon it shall then become effective, but not otherwise. Amendments receiving a majority vote thereon shall become effective, but not otherwise.

(4) If any section, subsection, sentence, clause or phrase of the constitution is in conflict with any of the provisions of this article, such section, subsection, sentence, clause or phrase is to the extent of such conflict hereby repealed.

(5) Words used in this act in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and the neuter, and the neuter the masculine and the feminine. The singular includes the plural and the plural the singular; writing includes printing, engraving, lithographing, typewriting and planographing. Oath includes affirmation; the word county includes city and county, and territory includes district. When used in this amendment the following terms, unless the context otherwise indicates, have the following meanings: the word bond means and includes note or credit or certificate issued by the California Full Employment and Pension Commission in accordance with the provisions of this article.

(6) In the event that any decision or order of any court shall hold invalid or unconstitutional any provision, section, subsection, sentence, clause or phrase of this article, or the application thereof to any person or circumstance, such decision or order shall not affect the validity of the remaining portions of this article and the applications of such provisions to other persons or circumstances shall not be affected thereby. The people of the state of California do hereby declare that they do adopt and would have adopted this article and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.